

108TH CONGRESS
2D SESSION

H. R. 4440

To amend the Immigration and Nationality Act to render proof of possession by an alien of a consular identification card issued by a foreign mission prima facie evidence that the alien is deportable, to render inadmissible for 10 years any alien who is unlawfully present in the United States and presents such a card to satisfy a Federal identification-related requirement, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 20, 2004

Mr. GALLEGLY (for himself, Mr. HOSTETTLER, and Mr. SMITH of Texas) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend the Immigration and Nationality Act to render proof of possession by an alien of a consular identification card issued by a foreign mission prima facie evidence that the alien is deportable, to render inadmissible for 10 years any alien who is unlawfully present in the United States and presents such a card to satisfy a Federal identification-related requirement, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Identification Security
3 Act of 2004” .

4 **SEC. 2. SHIFTING OF BURDEN OF PROOF TO ALIEN POS-**
5 **SESSING CONSULAR IDENTIFICATION CARD.**

6 (a) IN GENERAL.—Section 240(c)(3) of the Immigra-
7 tion and Nationality Act (8 U.S.C. 1229a(c)(3)) is amend-
8 ed by adding at the end the following:

9 “(D) POSSESSION OF CONSULAR IDENTI-
10 FICATION CARD.—

11 “(i) IN GENERAL.—Notwithstanding
12 subparagraph (A), clear and convincing
13 evidence that an alien at any time pos-
14 sessed a consular identification card while
15 physically present in the United States
16 shall be prima facie evidence that the alien
17 is deportable. In such a case, the alien
18 shall have the burden of establishing, by
19 clear and convincing evidence, that the
20 alien is not deportable on any of the
21 grounds of deportability with which the
22 alien is charged.

23 “(ii) DEFINITION.—For purposes of
24 clause (i), the term ‘consular identification
25 card’ means an identification document,

1 other than a visa, passport, or other travel,
2 entry, or exit document, issued by—

3 “(I) a foreign mission (as defined
4 in section 202 of the Foreign Missions
5 Act (22 U.S.C. 4302)); or

6 “(II) an organization rep-
7 resenting a territory or political entity
8 other than the United States which
9 has been granted diplomatic or other
10 official privileges and immunities
11 under the laws of the United States
12 or which engages in some aspect of
13 the conduct of the international af-
14 fairs of such territory or political enti-
15 ty.”.

16 (b) EFFECTIVE DATE.—The amendment made by
17 subsection (a) shall take effect on the date of the enact-
18 ment of this Act and shall apply to removal proceedings
19 initiated on or after such date.

20 (c) CONSTRUCTION.—Nothing in this section shall be
21 construed to affect any alien who is not placed in removal
22 proceedings under section 240 of the Immigration and Na-
23 tionality Act (8 U.S.C. 1229a).

1 **SEC. 3. INADMISSIBILITY FOR 10 YEARS FOR PRESEN-**
2 **TATION OF CONSULAR IDENTIFICATION**
3 **CARD FOR FEDERAL IDENTIFICATION-RE-**
4 **LATED PURPOSE.**

5 (a) IN GENERAL.—Section 212(a)(10) of the Immi-
6 gration and Nationality Act (8 U.S.C. 1182(a)(10)) is
7 amended by adding at the end the following:

8 “(F) PRESENTATION OF CONSULAR IDEN-
9 TIFICATION CARD FOR FEDERAL PURPOSE.—

10 “(i) IN GENERAL.—Any alien who is
11 unlawfully present in the United States,
12 presents a consular identification card to
13 satisfy an identification-related require-
14 ment of Federal law, and seeks admission
15 within the 10-year period beginning on the
16 date of such presentation, is inadmissible.

17 “(ii) DEFINITIONS.—For purposes of
18 clause (i), the term ‘consular identification
19 card’ has the meaning given such term in
20 section 240(c)(3)(D)(ii)”.

21 (b) EFFECTIVE DATE.—The amendment made by
22 subsection (a) shall take effect on the date of the enact-
23 ment of this Act and shall apply to aliens presenting con-
24 sular identification cards on or after such date.

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